

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CRIMINAL #03-10361-RWZ-03

UNITED STATES

v.

SCOTT FINK

**DEFENDANT SCOTT FINK'S MOTION
TO CONTINUE SENTENCING HEARING**

The defendant Scott Fink moves that his sentencing hearing be postponed from September 14, 2005 until sometime after the first of November. In support of this motion, the defendant states:

1. The defendant has pled guilty to conspiracy to distribute cocaine and is scheduled for sentencing on September 14, 2005. According to the government, the defendant was a “runner” for the Melo drug group for a five week period in 2003, distributing “eight balls” (individual packets of 3.5 or 4.0 grams of powder cocaine) to Melo’s customers. The initial presentence report calculated the defendant’s guideline sentencing range as 262 to 327 months. The defendant has filed objections, challenging both the drug quantity and the criminal history calculations.
2. The Probation Officer has reviewed Massachusetts Department of Correction records and Bridgewater State Hospital Records that disclose unusual behavior that is possibly indicative of mental illness in 1996. He engaged in several suicide attempts in 1990.

3. The defendant is seeking funds to have neuro-psychological testing performed on the defendant by Dr. Nancy Hebben, a psychologist. Dr. Hebben, who just returned from vacation, can schedule a visit to Plymouth to conduct testing on October 17, and can complete a report by October 24. The probation officer has suggested that it would be helpful to include the results of the testing in the final presentence report so that the Bureau of Prisons and the Probation Department will have that material available to design a treatment program for the defendant.
4. The defendant does not believe that this issue affects the sentencing of any other defendant.

Respectfully submitted,

SCOTT FINK

By his attorney,

/s/ Charles W. Rankin

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